

Appl. No. 10/549,435  
Amdt. dated March 13, 2008  
Reply to O.A. of December 13, 2007

### Remarks

In the Office action dated December 13, 2007, pending claims 1-26 and 28-44 were rejected and claim 27 was objected to, but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 32 has been cancelled by this Amendment. Upon entry of this Amendment, claims 1-31 and 33-44 are pending and under consideration in the present application. No new matter has been added by virtue of the present Amendment.

Applicants respectfully traverse and request reconsideration and withdrawal of the rejection of claims 1-5, 7, 8, 10-26, 29-36, and 38-44 as anticipated by Murayama et al., and the rejection of claims 6, 9, 28, and 37 under 35 U.S.C. 103(a) as being unpatentable over Murayama et al. in view of Official notice.

Applicants take the position that the pending claims are not anticipated by Murayama et al. because Murayama et al. does not disclose each and every element recited in the pending claims. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631 (Fed. Cir. 1987).

Specifically, Murayama et al. does not disclose or suggest a volatile substance dispensing system that includes a user interface that includes at least one knob disposed on a housing of a dispensing system that allows a user to instruct a microprocessor to control an emission of a volatile substance, as recited by amended claims 1-7.

Further, Murayama et al. does not disclose or suggest a method of selling replaceable volatile substance reservoirs that includes providing a user interface having at least one knob disposed on a housing of a dispensing system that allows a user to instruct a microprocessor to control an emission of different volatile substances, as recited by amended claims 8-11.

Furthermore, Murayama et al. does not disclose or suggest a volatile substance dispensing system that includes a user interface that includes a mode lever to enable a user to instruct a plurality of electromechanical volatile substance dispensers to dispense volatile substances from a plurality of replaceable volatile substance reservoirs, as recited by claims 12-20.

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Still further, Murayama et al. does not disclose or suggest a volatile substance dispensing system having a plurality of knobs disposed on a housing of the volatile substance dispensing system, wherein each knob is independently associated with one of a plurality of electromechanical volatile substance dispensers to allow independent adjustment of a level of emission of the volatile substance from each of the plurality of electromechanical volatile substance dispensers, as specified by claims 21-25.

In addition, Murayama et al. does not disclose or suggest a volatile substance dispensing system having a user interface including a knob and a mode lever to allow a user to adjust an emission from a volatile substance reservoir and enable the user to switch between different programs for controlling the emission from the volatile substance reservoir, as recited by claims 26-31, 33, and 34.

Further, Murayama et al. does not disclose or suggest a volatile substance dispensing system that has a knob disposed on a housing of the volatile substance dispensing system for controlling a level of a volatile substance emission from at least one volatile substance reservoir or a mode lever to switch between different programs for controlling the level of the volatile substance emission from the at least one volatile substance reservoir, as specified by claims 35-44.

In fact, Murayama et al. discloses a system and method for controlling olfactory stimuli that includes an interface unit 105 for receiving an input control signal, a controller 106, one or more aroma-causing agent releasing units 102-1 through 102-n, and one or more aroma-removing agent releasing units 104-1 through 104-n. Each of the aroma releasing units 102-1 through 102-n is connected to a corresponding independent aroma storing unit 101-1 through 101-n. Similarly, each aroma-removing agent releasing unit 104-1 through 104-n is connected to a corresponding independent aroma-removing agent storing unit 103-1 through 103-n. The controller 106 selectively activates the aroma releasing units 102-1 through 102-n and the aroma-removing agent releasing units 104-1 through 104-n based upon the input control signal. Nowhere in Murayama et al. is a volatile substance dispensing system that includes either a user interface that includes a knob disposed on a housing, a mode lever, a plurality of knobs disposed on a housing, or a method of selling replaceable

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volatile substance reservoirs including providing a user interface that includes at least one knob disposed on a housing of a dispensing system disclosed or suggested. Because the applied reference does not disclose or suggest each of the elements recited by claims 1-5, 7, 8, 10-26, 29-31, 33-36, and 38-44, it follows that such claims are not anticipated thereby.

To support a *prima facie* case of obviousness an examiner must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* 72 Fed. Reg. 57,526 (Oct. 10, 2007). Consequently, the subject matter recited by claims 1-5, 7, 8, 10-26, 29-31, 33-36, and 38-44 is not rendered obvious by Murayama et al. in view of the Official notice because the applied art does not disclose or suggest each and every limitation specified by the claims at issue.

Still further, because independent claims 1, 8, 12, 21, 26, and 35 are not anticipated or made obvious by the cited art, it stands that any claim dependent thereon is not anticipated or made obvious by the cited art. As a result, each of claims 2-7, 9-11, 13-20, 22-25, 27-31, 33, 34, and 36-44 is allowable for, at least, the reasons discussed above with regards to claims 1, 8, 12, 21, 26, and 35, respectively. As a result, each of claims 1-31 and 33-44 is allowable over the cited art.

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**Deposit Account Authorization**

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

McCracken & Frank LLP

By: 

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Date: March 13, 2008

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